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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-509

**MAUREEN MARY METTAM**  
**aka MAUREEN MARY SHEA**  
**aka MAUREEN MARY WOLGAT**  
P.O. Box 912  
Nice, California 95464

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Registered Nurse License No. 632054

Respondent.

**FINDINGS OF FACT**

1. On or about December 10, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-509 against Maureen Mary Mettam, a.k.a. Maureen Mary Wolgat, a.k.a. Maureen Mary Shea (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about February 4, 2004, the Board of Registered Nursing (Board) issued Registered Nurse License No. 632054 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.

3. On or about December 10, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-509, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
2 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
3 Code section 136 and/or agency specific statute or regulation, is required to be reported and  
4 maintained with the Board, which was and is:

5 P.O. Box 912  
6 Nice, California 95464

7 4. Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10 5. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
13 of the accusation not expressly admitted. Failure to file a notice of defense shall  
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
15 may nevertheless grant a hearing.

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-  
18 509.

19 7. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
23 respondent.

24 8. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in this matter, as well as taking official notice of all the investigatory  
27 reports, exhibits and statements contained therein on file at the Board's offices regarding the  
28 allegations contained in Accusation No. 2011-509, finds that the charges and allegations in  
Accusation No. 2011-509, are separately and severally, found to be true and correct by clear and  
convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$1,807.50 as of January 13, 2011.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Maureen Mary Mettam, a.k.a.  
6 Maureen Mary Wolgat, a.k.a. Maureen Mary Shea has subjected her Registered Nurse License  
7 No. 632054 to discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
10 Nurse License based upon the following violations alleged in the Accusation which are supported  
11 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

12 a. Code section 2770.11(b), termination from the Diversion Program.

13 b. Code section 2761(f), conviction of a crime (violation of Health and Safety  
14 Code section 11550(a) (use and being under the influence of a controlled substance, to wit:  
15 Cocaine), a misdemeanor crime).

16 c. Code section 2761(a), on the grounds of unprofessional conduct as defined in  
17 Code section 2762(c), conviction of a crime involving the use of a controlled substance, to wit:  
18 Cocaine.

19 d. Code section 2761(a), on the grounds of unprofessional conduct as defined in  
20 Code section 2762(a), in that while a licensed registered nurse, Respondent possessed Cocaine  
21 and Marijuana, controlled substances, in violation of Code section 4060, and Respondent self-  
22 administered Cocaine and Marijuana, controlled substances, without the direction to do so from a  
23 licensed physician and surgeon, dentist or podiatrist.

24 e. Code section 2761(a), on the grounds of unprofessional conduct as defined in  
25 Code section 2762(b), use alcohol/controlled substances to an extent or in a manner dangerous or  
26 injurious to self or others.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 632054, heretofore issued to Respondent Maureen Mary Mettam, a.k.a. Maureen Mary Wolgat, a.k.a. Maureen Mary Shea, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 18, 2011.

It is so ORDERED March 16, 2011.

  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

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Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-8311  
Facsimile: (916) 327-8643  
7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **MAUREEN MARY METTAM**  
14 **aka MAUREEN MARY SHEA**  
15 **aka MAUREEN MARY WOLGAT**  
P.O. Box 912  
Nice, California 95464

16 Registered Nurse License No. 632054

17 Respondent.

Case No. **2011-509**

**ACCUSATION**

18  
19 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.  
23 2. On or about February 5, 2004, the Board issued Registered Nurse License Number  
24 632054 to Maureen Mary Mettam, also known as Maureen Mary Wolgat and Maureen Mary Shea  
25 ("Respondent"). The license was in full force and effect at all times relevant to the charges  
26 brought herein and will expire on May 31, 2011, unless renewed.

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## JURISDICTION

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

1 7. Code section 2770.7 states, in pertinent part:

2 (c) If the reasons for a current investigation of a registered nurse are based  
3 primarily on the self-administration of any controlled substance or dangerous drug or  
4 alcohol under Section 2762, or the illegal possession, prescription, or nonviolent  
5 procurement of any controlled substance or dangerous drug for self-administration  
6 that does not involve actual, direct harm to the public, the board shall close the  
7 investigation without further action if the registered nurse is accepted into the board's  
8 diversion program and successfully completes the requirements of the program. If  
9 the registered nurse withdraws or is terminated from the program by a diversion  
10 evaluation committee, and the termination is approved by the program manager, the  
11 investigation shall be reopened and disciplinary action imposed, if warranted, as  
12 determined by the board.

13 (d) Neither acceptance nor participation in the diversion program shall preclude  
14 the board from investigating or continuing to investigate, or taking disciplinary action  
15 or continuing to take disciplinary action against, any registered nurse for any  
16 unprofessional conduct committed before, during, or after participation in the  
17 diversion program.

18 (f) Any registered nurse terminated from the diversion program for failure to  
19 comply with program requirements is subject to disciplinary action by the board for  
20 acts committed before, during, and after participation in the diversion program. A  
21 registered nurse who has been under investigation by the board and has been  
22 terminated from the diversion program by a diversion evaluation committee shall be  
23 reported by the diversion evaluation committee to the board.

24 8. Code section 2770.11(b) states:

25 If a committee determines that a registered nurse, who is denied admission into  
26 the program or terminated from the program, presents a threat to the public or his or  
27 her own health and safety, the committee shall report the name and license number,  
28 along with a copy of all diversion records for that registered nurse, to the board's  
enforcement program. The board may use any of the records it receives under this  
subdivision in any disciplinary proceeding.

9. Code section 4060 states:

No person shall possess any controlled substance, except that furnished to a  
person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to  
Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the  
possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic  
doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in  
stock in containers correctly labeled with the name and address of the supplier or  
producer. Nothing in this section authorizes a certified nurse-midwife, a nurse  
practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
stock of dangerous drugs and devices.



**COST RECOVERY**

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**DRUGS**

11. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13).

12. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(6).

**RESPONDENT'S TERMINATION FROM  
THE BOARD'S DIVERSION PROGRAM AS A PUBLIC RISK**

13. On or about May 28, 2008, Respondent was enrolled in the Board's Diversion Program. On or about February 10, 2010, pursuant to Code section 2770.11(b), the Diversion Evaluation Committee ("DEC") terminated Respondent from the Diversion Program for noncompliance/public risk for testing positive for Marijuana on or about February 3, 2010.

**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Crime)**

14. Respondent is subject to discipline under Code section 2761(f), in that on or about April 28, 2008, in the case of *People v. Maureen Mettam*, (Super. Ct. Yolo County, Case No. CRF060007224), Respondent was convicted by the Court on her plea of no contest of violating Health and Safety Code section 11550(a) (use and being under the influence of a controlled substance, to wit: Cocaine), a misdemeanor crime that is substantially related to the qualifications, functions or duties of a licensed registered nurse. The circumstances of the crime are that on or about November 26, 2006, officers responded to a casino hotel where Respondent was found to be under the influence of cocaine and had been in a verbal/physical altercation with her husband.

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1 practice authorized by her license. The circumstances are that, law enforcement responded to a  
2 scene where Respondent was found to be under the influence of intoxicating liquor/controlled  
3 substances in such a condition that she was unable to exercise care for her own safety and the  
4 safety of others: Respondent and her husband had gotten into a physical/verbal altercation in a  
5 casino hotel, as further set forth in paragraph 14, above. Respondent admitted to law  
6 enforcement that she was drunk and could not perform sobriety tests.

7 **PRAYER**

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 632054, issued to  
11 Maureen Mary Mettam, also known as Maureen Mary Wolgat and Maureen Mary Shea;  
12 2. Ordering Maureen Mary Mettam, also known as Maureen Mary Wolgat and Maureen  
13 Mary Shea to pay the Board of Registered Nursing the reasonable costs of the investigation and  
14 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,  
15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 12/10/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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